

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TRENT TYLER TREPANIA,

Plaintiff,

v.

MICHAEL WOLLER,

Defendant.

OPINION and ORDER

20-cv-854-jdp

Pro se plaintiff Trent Tyler Trepania is proceeding on constitutional and state-law claims against defendant Michael Woller, alleging that Woller placed him in a holding cell in the Sawyer County Jail without running water. Woller moved to dismiss the case because Trepania had not responded to any of his discovery requests, despite being ordered by this court to do so in November 2021. Dkt. 113. I ordered Trepania to respond to Woller's discovery requests by February 24, 2022, and I warned Trepania that if he did not comply, I would dismiss his claims with prejudice. Dkt. 122.

That deadline has passed, and Trepania has not submitted his discovery responses. Dkt. 125. Woller now moves to dismiss the case with prejudice for Trepania's failure to prosecute it. Dkt. 124. Trepania did not respond to the motion.

I gave Trepania a final opportunity to respond to Woller's discovery requests and gave him explicit warning of the potential consequences. Dkt. 122. The court's recent mail to Trepania has been returned as undeliverable. Dkt. 123; Dkts. 127–128. But it is Trepania's obligation to keep the court informed of his address and contact information. In any case, Trepania is registered for electronic filing, which means that he is notified of all new filings,

and it allows him access to the order directing him to respond to Woller's discovery requests. The court also called Trepania to obtain an updated address and did not receive a response.

Dismissal with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute is appropriate only in extreme circumstances. *See Palmer v. City of Decatur*, 814 F.2d 426, 428 (7th Cir. 1987). But as I explained in the court's previous order, dismissal with prejudice is appropriate here. *See* Dkt. 122. Trepania has not responded to any motions or orders in this case since November 2021. His lack of participation in this case has prevented Woller from preparing a full and adequate defense and required the court to amend its calendar several times.

Trepania has been given ample opportunity to comply with the court's orders, and he has not done so. I will dismiss his remaining claims with prejudice.

ORDER

IT IS ORDERED that:

1. Defendant Michael Woller's motion to dismiss, Dkt. 124, is GRANTED. Plaintiff Trent Tyler Trepania's claims against Woller are dismissed with prejudice.
2. The clerk of court is directed to enter judgment for defendants and close this case.

Entered April 8, 2022.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge